

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 23-4525 PA (MARx)	Date	September 15, 2023
Title	Daniel Beck, et al. v. Weston Palmer, et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Kamilla Sali-Suleyman	Not Reported	N/A	
Deputy Clerk	Court Reporter	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	

Proceedings: Order to Show Cause Re; Dismissal For Lack Of Prosecution

The Court has reviewed the Declaration of Canal Jain, counsel for plaintiffs Daniel Beck, Cedric Crisolo, and Caroline Le (collectively “Plaintiffs”) filed in response to the Court’s September 7, 2023 Order to Show Cause. Plaintiffs filed this action on June 8, 2023. Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. See Fed. R. Civ. P. 4(m). Here, Rule 4(m)’s deadline for service expired on September 6, 2023.

According to Plaintiffs’ counsel, Plaintiffs attempted to serve defendant Weston Palmer (“Palmer”) on multiple occasions in June 2023. Plaintiffs efforts to serve Palmer were not successful on the dates and at the locations attempted in June. Plaintiffs sought additional addresses at which to attempt service in July, and later learned that Palmer may have been traveling internationally for several months but is expected to return to the United States in mid-September. Plaintiffs state that if they are “unable to effectuate service reasonably soon, and absent any additional information being gained, Plaintiffs plan to pursue alternative methods for service, such as service by publication.”

Plaintiffs did not attempt to obtain an extension of time to serve defendants within Rule 4(m)’s deadline. Instead, Plaintiffs did not inform the Court of their difficulties in serving defendants until after the Court issued its September 7, 2023 Order to Show Cause. See Fed. R. Civ. P. 6(b)(1)(B) (requiring a showing of excusable neglect for the extension of a deadline after the time to act has expired). The Court should not have to expend its limited resources tracking and monitoring the diligence of counsel.

Nevertheless, because Plaintiffs did make several attempts to serve defendants soon after they commenced this action, the Court extends the deadline for Plaintiffs to serve defendants to October 10, 2023. Because the Court also concludes that Plaintiffs’ Response to the September 7, 2023 Order to Show Cause was inadequate, the Court continues the deadline for Plaintiffs to file an adequate response to the Order to Show Cause to October 10, 2023. Failure to file Proofs

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of Service establishing that Plaintiffs have served defendants by that date, to have filed a Motion seeking authorization to serve defendants by alternative means by that date, or to otherwise timely and adequately respond to the Order to Show Cause by that date may result in the dismissal of this action without prejudice for failure to prosecute without further warning.

IT IS SO ORDERED.